

# Senate File 2055 - Introduced

SENATE FILE 2055

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## A BILL FOR

1 An Act concerning the use of child restraint systems or seat  
2 belts by motor vehicle passengers who are minors and making  
3 a penalty applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.445, subsection 2, Code 2009, is  
2 amended to read as follows:

3 2. a. The driver and front seat occupants of a type of  
4 motor vehicle that is subject to registration in Iowa, except a  
5 motorcycle or a motorized bicycle, shall each wear a properly  
6 adjusted and fastened safety belt or safety harness any time  
7 the vehicle is in forward motion on a street or highway in this  
8 state except that a child under ~~eleven~~ eighteen years of age  
9 shall be secured as required under section 321.446.

10 b. This subsection does not apply to:

11 ~~a.~~ (1) The driver or front seat occupants of a motor  
12 vehicle which is not required to be equipped with safety belts  
13 or safety harnesses.

14 ~~b.~~ (2) The driver and front seat occupants of a motor  
15 vehicle who are actively engaged in work which requires them  
16 to alight from and reenter the vehicle at frequent intervals,  
17 providing the vehicle does not exceed twenty-five miles per  
18 hour between stops.

19 ~~c.~~ (3) The driver of a motor vehicle while performing  
20 duties as a rural letter carrier for the United States postal  
21 service. This exemption applies only between the first  
22 delivery point after leaving the post office and the last  
23 delivery point before returning to the post office.

24 ~~d.~~ (4) Passengers on a bus.

25 ~~e.~~ (5) A person possessing a written certification from  
26 a health care provider licensed under chapter 148 or 151 on a  
27 form provided by the department that the person is unable to  
28 wear a safety belt or safety harness due to physical or medical  
29 reasons. The certification shall specify the time period for  
30 which the exemption applies. The time period shall not exceed  
31 twelve months, at which time a new certification may be issued  
32 unless the certifying health care provider is from a United  
33 States military facility, in which case the certificate may  
34 specify a longer period of time or a permanent exemption.

35 ~~f.~~ (6) Front seat occupants of an authorized emergency

1 vehicle while they are being transported in an emergency.  
2 However, this exemption does not apply to the driver of the  
3 authorized emergency vehicle.

4 c. The department, in cooperation with the department of  
5 public safety and the department of education, shall establish  
6 educational programs to foster compliance with the safety belt  
7 and safety harness usage requirements of this subsection.

8 Sec. 2. Section 321.446, subsections 2 and 3, Code 2009, are  
9 amended to read as follows:

10 2. A child at least six years of age but under  
11 ~~eleven~~ eighteen years of age who is being transported in  
12 a motor vehicle subject to registration, except a school  
13 bus or motorcycle, shall be secured during transit by a  
14 child restraint system that is used in accordance with the  
15 manufacturer's instructions or by a safety belt or safety  
16 harness of a type approved under section 321.445.

17 3. This section does not apply to ~~peace~~ the following:

18 a. ~~Peace~~ officers acting on official duty. ~~This~~  
19 ~~section also does not apply to the~~

20 b. ~~The~~ transportation of children in 1965 model year or  
21 older vehicles, authorized emergency vehicles, buses, or motor  
22 homes, except when a child is transported in a motor home's  
23 passenger seat situated directly to the driver's right. ~~This~~  
24 ~~section does not apply to the~~

25 c. ~~The~~ transportation of a child who has been certified  
26 by a physician licensed under chapter 148 as having a  
27 medical, physical, or mental condition that prevents or makes  
28 inadvisable securing the child in a child restraint system,  
29 safety belt, or safety harness.

30 d. ~~A back seat occupant of a motor vehicle for whom no~~  
31 safety belt is available because all safety belts are being  
32 used by other occupants or cannot be used due to the use of a  
33 child restraint system in the seating position for which a belt  
34 is provided.

1 EXPLANATION

2 This bill requires that all persons under 18 years of age who  
3 are being transported in a motor vehicle, other than a school  
4 bus or motorcycle, be secured by an approved child restraint  
5 system or a seat belt regardless of seating position.

6 The bill provides an exemption from child restraint  
7 requirements in situations where a child occupying a back seat  
8 is not restrained because all safety belts in the vehicle are  
9 in use or cannot be used because a child restraint system is  
10 occupying the seating position for which a belt is provided.

11 Pursuant to existing law, a motor vehicle operator who  
12 violates child restraint requirements commits a simple  
13 misdemeanor subject to a scheduled fine of \$25. However, such  
14 offenses are not considered for purposes of determining a  
15 habitual offender of motor vehicle laws.